

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
ROBERT FUTSI

Debtor(s)

CASE NO: BKS-18-14769-ABL

CHAPTER 13

Hearing Date: January 31, 2019
Hearing Time: 1:30 pm

BALLSTAEDT LAW FIRM
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#2 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 08/09/2018. The 341(a) Meeting of Creditors held on
October 16, 2018 at 11:00 am was concluded .

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- Compensation of Debtor(s)' attorney requires an independent review by the court. Trustee requests that Debtor(s)' attorney file an application for compensation pursuant to 11 U.S.C. §330.
- Plan is not feasible as required by 11 U.S.C. §1322 based on: FCI Lender Services; FCI Lender Services Notice of Post Petition Fees and Charges; Clark County Treasurer

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents:

- Amendment to Voluntary Petition: list prior bankruptcy
- Amendment to Schedule I. Current Income of Individual Debtor(s): indicate correct status of employment, per debtor testimony he is not working.
- Amendment to Statement of Financial Affairs: #3: disclose \$80899.98 debtor received in the 6 mo prior to filing (as listed on the 22C1); #16: disclose amount paid to attorney prior to filing.

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 1/9/19

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee

1 KATHLEEN A. LEAVITT
2 CHAPTER 13 STANDING TRUSTEE
3 201 Las Vegas Blvd South
4 Suite 200
5 Las Vegas, NV 89101

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 **IN RE:**

CASE NO: BKS-18-14769-ABL
Chapter 13

9 **ROBERT FUTSI**

Debtor (s)

10 **CERTIFICATE OF SERVICE**

11 1. On January 09, 2019, I served the following document(s):

12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #2 COMBINED WITH**
13 **TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

14 2. I served the above-named documents(s) by the following means to the persons
15 as listed below:

16 **United States mail, postage fully prepaid**

17 ROBERT FUTSI
993 UPPER MEADOWS PLACE
HENDERSON, NV 89052

BALLSTAEDT LAW FIRM
9555 S EASTERN AVENUE
SUITE 285
LAS VEGAS, NV 89123

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19 **I declare under penalty of perjury that the foregoing is true and correct.**

20 Signed on: 1/9/19

21 /s/ Esther Carr
22 Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee
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